BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE BOROUGH OF BOWMANSTOWN, CARBON COUNTY PROHIBITING LOITERING ON BUSINESS PROPERTY AND IN PUBLIC PLACES WITHIN THE BOROUGH OF BOWMANSTOWN

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Bowmanstown, Carbon County, Pennsylvania, as follows:

SECTION I. – Definitions

Public Place – Any street, sidewalk, alley, park, government-owned or government-controlled building, common hallway or public room of any dwelling of greater than 2 apartment units, or any other place to which the public has lawful access.

Loitering – Remaining idle in one location, including walking around slowly or aimlessly, and sitting or standing in or out of a motor vehicle.

Harass – Any repeated nonverbal conduct which is specifically intended to frighten, embarrass or anger the person or persons who are the object of such conduct or which the person accused has reason to know is likely to produce such reactions, or as any repeated verbal communication which, by its very utterance, inflicts injury or tends to incite an immediate breach of the peace.

SECTION II. – Loitering on Business Property

No person shall loiter on private property that is customarily used by the public as an integral part of a commercial venture in such a manner as to:

A. Disturb the peace or act disorderly as defined by the laws of the Commonwealth of Pennsylvania;

B. Obstruct the free passage of pedestrians or vehicles to or from said business property;

C. Obstruct or interfere with any person lawfully seeking access or the use of the commercial enterprise conducted on the property or adjacent or continuous to said private property;

D. Knowingly harass any other person;

E. Knowingly obstruct or resist any member of the police force or fire department in the discharge of his lawful duties or fail to obey the lawful order of said officer, knowing him to be a member of the police force or fire department;

F. Threaten or make threatening gestures at or otherwise menacing persons in the area.

SECTION III. – Loitering in any Public Place

No person shall loiter in any Public Place as defined herein in such a manner as to:

A. Disturb the peace or act disorderly as defined by the laws of the Commonwealth of Pennsylvania;

B. Obstruct or interfere with any person lawfully seeking access or the use of said Public Place;

C. Conduct himself in any Public Place, or join with one or more other persons in a public place, if he knows or should know that, singly or together with the others with whom he has joined, he is unreasonably obstructing the free and uninterrupted passage of the public along any street or sidewalk;

D. Knowingly harass any other person;

E. Knowingly obstruct or resist any member of the police force or fire department in the discharge of his lawful duties or fail to obey the lawful order of said officer, knowing him to be a member of the police force or fire department;

F. Threaten or make threatening gestures at or otherwise menacing persons in the area.

SECTION IV. – Authority to Question

Under circumstances where a police officer has good reason to believe that any individual has committed or is about to commit any unlawful act under this Ordinance, said officer may ask the individual to identify himself and explain his presence on the scene, but failure to respond to such questioning in and of itself shall not constitute an offense; provided, however, that this section shall not be construed to affect any obligation to respond which is otherwise imposed by law.

SECTION V. – Notice

Prior to arrest for an offense under this section, a police officer shall afford the person an opportunity to dispel any alarm for the safety or health of any person or property, or to dispel any violation of this Ordinance by requesting such person to identify himself and explaining his presence and conduct or by requesting him to leave the area.

A person shall not be guilty of violation of this Ordinance unless:

A. In cases of loitering in a Public Place, he was asked by a police officer to leave the Public Place as defined herein, and failed to leave said Public Place; or

B. In cases of loitering on Business Property:

(i) The property owner or tenant of a business property posted the property with "No Loitering" signs or other notices of like meaning at the entrance or entrances to said property;

(ii) The person to be charged with loitering on a Business Property had been asked by the owner or tenant of the property, by an employee of the owner or tenant, by a security officer, or by a police officer to leave the property and failed to leave said property.

SECTION VI. – Penalty

Any individual violating the provisions of this Ordinance and found guilty of same before a Magisterial District Judge, shall be guilty of a summary violation and shall be subject to a fine of not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1,000.00) Dollars, plus costs of prosecution, or imprisonment for not more than thirty (30) days; provided, however, that nothing contained herein shall be construed to preclude the Borough from pursuing alternative means of enforcement which might otherwise be available by way of an action at law or equity.

SECTION VII. REPEALER

Any existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION VIII. SEVERABILITY

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Ordinance.

SECTION IX. ENACTMENT

This Ordinance shall be effective within five (5) days and shall remain in force until modified, amended or rescinded by the Borough of Bowmanstown, Carbon County, Pennsylvania.

DULY ENACTED AND ORDAINED this 11th day of November, 2025, by the Borough Council of the Borough of Bowmanstown, Carbon County, Pennsylvania in lawful session duly assembled.

BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA

BY: Pam Leiby
Pam Leiby, President of Council

ATTEST:

Tracy Csrenko, Secretary

EXAMINED AND APPROVED this 11th day of November, 2025.

Zachary Snyder, Mayor